

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 12, “General Accreditation Standards,” Iowa Administrative Code.

2013 Iowa Acts, House File 215, sections 79 to 83 (amending Iowa Code sections 256.7(19), 256F.4(5), 279.10(1) and (2) and 299.1(2)), enacted education reform, including provisions to allow local school districts and accredited nonpublic schools to continue with the traditional 180-day school calendar or change to a schedule based on 1,080 hours. These changes would occur starting in the 2014-2015 school year. Certain provisions concerning the traditional school day were struck in the legislation, requiring modifications to the relevant administrative rules. The proposed amendments reflect the legislative changes made in allowing districts flexibility with their local school day and annual attendance requirements to meet the state standard in this area.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested persons may make written comments on the proposed amendments on or before 4:30 p.m. on September 10, 2013. Comments should be directed to Mike Cormack, Rules Coordinator, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146. Comments may also be sent by fax to (515)242-5988 or submitted by e-mail to mike.cormack@iowa.gov.

A public hearing will be held from 3 to 4 p.m. on Tuesday, September 10, 2013, in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time interested persons may present their views either orally or in writing. All persons who wish to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs ahead of the hearing date by calling (515)281-5295.

Analysis and review of the proposed amendments confirm that they have no jobs impact.

The Department intends that the proposed amendments shall become effective on November 20, 2013.

These amendments are intended to implement Iowa Code sections 256.7(19), 256F.4(5), 279.10(1) and (2) and 299.1(2) as amended by 2013 Iowa Acts, House File 215, sections 79 to 83, and Iowa Code section 279.10(4).

The following amendments are proposed.

ITEM 1. Amend subrule 12.1(7) as follows:

12.1(7) *Minimum school calendar* ~~and day: set by annual hours or days of instruction. Each~~ The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall adopt a school calendar that identifies specific sets the number of days or hours of required attendance for student instruction, staff development and in-service time, and time for parent-teacher conferences. Prior to adopting the school calendar, the board of directors of a school district shall hold a public hearing on any proposed school calendar. The board and authorities in charge of an accredited nonpublic school shall notify the department annually of their decision to have a calendar based on days or based on hours. The length of the school calendar does not dictate the length of contract hours or days of employment for instructional and noninstructional staff. Time recorded under either a days or hours calendar system may include passing time between classes but shall exclude the lunch period. Time spent on parent-teacher conferences shall be considered instructional time. The school calendar may be operated anytime during the school year of July 1 to June 30 as defined by Iowa Code section 279.10 as amended by 2013 Iowa Acts, House File 215, section 81. A minimum of 180 days or 1,080 hours of instruction shall be set

in the school calendar, for school districts and accredited nonpublic schools beginning no sooner than a day during the calendar week in which the first day of September falls, and shall be used for student instruction. However, if the first day of September falls on a Sunday, school may begin any day during the calendar week preceding September 1. These 180 days shall meet the requirements of “day of school” for those districts or accredited nonpublic schools that are utilizing a schedule based on days, defined in subrule 12.1(8), paragraph 12.1(8) “a,” “minimum school day” defined in subrule 12.1(9), and “day or hour of attendance” defined in subrule 12.1(10). (Exception: A school or school district may, by board policy, excuse graduating seniors up to five days or 30 hours of instruction after school or school district requirements for graduation have been met.) If additional days are added to the regular school calendar because of inclement weather, a graduating senior who has met the school district’s requirements for graduation may be excused from attendance during the extended school calendar. A school or school district may begin its school calendar earlier for other educational purposes involving instructional and noninstructional staff employment of instructional and noninstructional staff, for in-service training and development purposes, earlier than the first day of school. A school or school district choosing a schedule based on hours shall follow the definition of hour of school set forth in paragraph 12.1(8) “b.”

ITEM 2. Amend subrule 12.1(8) as follows:

12.1(8) Day and hour of school.

a. Day of school. A day of school is a day during which the school or school district is in session and students are under the guidance and instruction of the instructional professional staff. School shall be considered in session during parent-teacher conferences as well as during activities such as field trips if students are engaged in programs or activities under the guidance and direction of the instructional professional staff. All grade levels of the school or school district must be operated and available for attendance by all students. An exception is if either the elementary or secondary grades are closed and provided that this the time missed is made up at some other point during the school calendar so as to meet the minimum of 180 days or 1,080 hours of instruction for all grades 1 through 12. If a classroom or attendance center is closed for emergency health or safety reasons but the remainder of the school or school district is in operation, the day may be counted as a day of school.

b. Hour of school. For schools or school districts adopting a calendar based on a 1,080-hour minimum schedule, an official hour of school is an hour in which the school or school district is in session and students are under the guidance and instruction of the instructional professional staff. For purposes of this rule, an “hour” is defined as 60 minutes. The calculation of minimum hours shall exclude the lunch period. Passing time between classes may be counted as part of the hour requirement. School shall be considered in session during parent-teacher conferences as well as during activities such as field trips if students are engaged in programs or activities under the guidance and direction of the instructional professional staff. All grade levels of the school or school district must be operated and available for attendance by all students. Schools or school districts have flexibility on how they can reach the threshold of 1,080 hours of instruction but must keep annual documentation of how they met that standard. The school calendar may include more than or less than or may equal the 180-day schedule. The hours included in an individual day under an hours format may vary.

ITEM 3. Amend subrules 12.1(9) to 12.1(11) as follows:

12.1(9) Minimum school day. A school day, for those utilizing a school calendar based on days, shall consist of a minimum of 5½ 6 hours of instructional time for all grades 1 through 12. The minimum hours shall be exclusive of exclude the lunch period. Passing time between classes as well as time spent on parent-teacher conferences may be counted as part of the 5½ 6-hour requirement. The school or school district may record a day of school with less than the minimum instructional hours if emergency health or safety factors require the late arrival or early dismissal of students on a specific day; or if the total hours of instructional time for all grades 1 through 12 in any five consecutive school days equal a minimum of 27½ hours, even though any one day of school is less than the minimum instructional hours because staff development is provided for the instructional professional staff or because parent-teacher conferences have been scheduled beyond the regular school day. School shall be considered in session

during parent-teacher conferences as well as during activities such as field trips if students are engaged in programs or activities under the guidance and direction of the instructional professional staff.

~~Furthermore, if the total hours of instructional time for the first four consecutive days equal at least 27½ hours because parent-teacher conferences are held beyond the regular school day, a school or school district may record zero hours of instructional time on the fifth consecutive school day as a minimum school day.~~

12.1(10) *Day or hour of attendance.* A day or hour of attendance shall be a day or hour during which students were present and under the guidance and instruction of the instructional professional staff. When staff development designated by the board or by authorities in charge of an accredited nonpublic school occurs outside of the time required for a “minimum school day,” students shall be counted in attendance. ~~(Note exceptions in subrules 12.1(8) and 12.1(9).)~~

12.1(11) *Kindergarten.* The number of instructional days or hours within the school calendar and the length of the school day for kindergarten shall be defined by the board or by authorities in charge of an accredited nonpublic school that operates a kindergarten program. ~~This subrule applies to an accredited nonpublic school only if it offers kindergarten.~~